

Chapter VIII

National Environmental Policy Act (NEPA)

A. GENERAL.

1. The DLA implementation of NEPA considerations are in DLAR 1000.22, Environmental Considerations in DLA Actions In The United States, and DLAR 1000.29, Environmental Considerations In DLA Actions Abroad. These documents outline the environmental procedures DLA activities must follow prior to carrying out an environmental action in CONUS and overseas.

2. DRMS will assess proposed actions, including retrogrades, for environmental impact before being implemented. This assessment will be done at the earliest practical state in the planning process, and no later than the first significant point of decision. The analysis will ensure compliance with all applicable environmental regulations and standards. Compliance does not require the most environmentally desirable alternative be selected over other acceptable sources of action. DRMS environmental policy is that, within legal and operational limits, cost effectiveness will be considered in the selection of preferred alternatives for disposal of property. Factors such as support to the Military Services, timeliness of disposal, and severity of existing hazards will also be taken into consideration.

3. For actions proposed by the DRMS Command and for which DRMS has the responsibility to perform, the necessary environmental analysis and documentation will be performed. However, if the authority to direct a project or proposed action lies elsewhere, so does the responsibility to perform the required environmental analysis.

B. REUTILIZATION AND TRANSFER.

The reutilization of excess property within DoD and by the U.S. Coast Guard is conducted by DRMS under delegation of authority from the Administrator, GSA. Transfer of excess property to Federal civilian agencies is under the purview of GSA. Environmental analysis and the required

documentation for these actions are not the responsibility of DRMS.

C. DONATION.

GSA conducts the donation program. Therefore, compliance with NEPA requirements in the donation program is not the responsibility of DRMS. The Secretary of a Military Department is authorized to donate certain items to educational activities of special interest, and in these cases, DRMS does not have operational control for the action is not responsible for performing the environmental analysis.

D. FOREIGN EXCESS.

DoD is authorized to conduct the Foreign Excess Personal Property Program, including donation. Since DRMS is precluded from donating items dangerous to the public health and safety, little hazardous property, if any, will be donated under the program. However, should such hazardous property be donated, DRMS must comply with the requirements of DLAR 1000.29, Environmental Considerations in DLA Actions Abroad.

E. FOREIGN MILITARY SALES (FMS).

Executive Order 12114, section 2-5 (IV), exempts FMS actions. Because of this exemption and the sovereignty of the involved foreign government in complying with its requirement, DRMS will not perform environmental analysis on FMS.

F. SALES.

DRMS has management authority and operational responsibility for sales actions. The necessary environmental analysis and documentation, including preparation of EAs and/or EISs, when needed, will be done by DRMS. The quantity and relative hazard of the material will be factors in determining what level of environmental analysis is performed. Sales will not generally be assessed

for environmental impact if the material being sold is available on the commercial market. If material having a probable environmental impact is to be sold, warnings will be included in the contract solicitation advising bidders of the hazards and appropriate environmental and safety precautions. Sales may require a statement of intent or proper licensing from the purchaser. If the purchaser's intended actions could significantly harm the environment of the U.S. or a foreign nation, the global commons, or provide a product which is strictly regulated or prohibited, DRMS will perform environmental analysis and documentation prior to the sale.

G. REORGANIZATION.

For reorganization of the headquarters of subordinate activities, including establishment or closure actions, or modification in the scope of the DRMS mission, an administrative EA/EIS will be completed and combined with other relevant technical and economic studies to develop a course of action recommended by the DRMS staff. This excludes host base closure actions affecting DRMS activities, where DRMS is not the responsible Federal activity initiating the action. Liaison will be maintained by the affected DRMS activity with the host. Assistance will be provided, as required, for proposals in which DRMS is not the lead activity.

H. CONSTRUCTION PROJECTS.

DRMS has responsibility for technical review and required environmental analysis and documentation for construction projects which are funded by DRMS through DLA. This review and environmental assessment will be coordinated with the host installation.